



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

Senate Bill 0756

Access to Counsel in Evictions – Funding

In the House Appropriations Committee

Hearing on April 4, 2023

Position: FAVORABLE

Thank you for the opportunity to testify on this bill. I am Vicki Schultz, Executive Director of Maryland Legal Aid (MLA). MLA wholeheartedly supports SB 756 which will provide ongoing funding through to the Maryland Legal Services Corporation (MLSC) through fiscal year 2027 to ensure the continuation of the ground-breaking Access to Counsel in Evictions (ACE) Program. The ACE Program levels the playing field for tenants facing eviction, provides vital housing stability for low-income Marylanders and addresses the disproportionate impact of evictions on Black and Brown renters in our state.

As the largest provider of free civil legal services in our State, MLA provided legal assistance and representation to more than 80,000 low-income and vulnerable Marylanders last year alone. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of fundamental civil legal matters, including housing, family law, public benefits, bankruptcy, debt collection, and criminal record expungements. MLA has provided legal assistance and representation in housing matters throughout its more than 100-year existence.

The General Assembly became a leader in the nation by passing legislation to establish the ACE program, a statewide right for low-income Marylanders to access counsel when facing eviction. There has been a national movement to establish a right to counsel in certain fundamental civil matters such as the potential loss of one's housing. It is an anti-poverty strategy and investment that pays long-term benefits by promoting housing stability and reducing the number and impact of evictions. Providing counsel leads to better outcomes and a fairer, more efficient court process.

The General Assembly expressed its intent that the ACE Program be fully implemented across the state by October 2025, and it directed that a phased implementation plan be established to accomplish that goal. Maryland is just in the beginning stages of implementing the ACE program which will be a multi-year endeavor requiring extensive outreach and education, collaboration with the Judiciary, coordination among the legal services providers, and a need to hire and retain legal advocates to make the commitment to provide counsel real.

However, the lack of ongoing, stable secure funding for the Program will hamper the implementation of the Program and deprive low-income Marylanders facing eviction of the legal representation that they desperately need, and that the General Assembly intended to provide.

With legal help, people can find better solutions to remain housed and ensure stability for themselves and their families. Further, providing legal counsel levels the playing field in rent court where previous studies nationally and in Baltimore have shown that more than 90% of landlords have representation in court whereas tenants have representation in less than 1% of cases.

Further, these matters can hold very high stakes for tenants who live in public or subsidized housing. When a person's subsidy is terminated, it often means that people have no recourse and are at high risk of homelessness. A subsidy provides families with financial assistance so they can afford market rent. If a person or family loses that subsidy, the family will likely not be able to find alternate affordable housing and will be at high risk for homelessness. Having counsel gives that family a better chance of retaining their subsidy or coming up with better solutions.

However, for the ACE program to work, there must be legal staff available and ready to provide representation. Hiring and retention for MLA and other legal services providers has been a particularly difficult challenge, especially in today's tight employment market. On average, MLA attorneys and other MLSC grantees are *the lowest paid* publicly funded, public interest lawyers in our state.

MLA is deeply committed to full implementation of the ACE program, but we cannot implement the ACE program without the necessary staff to do the work. To accomplish this, MLA must be able to hire excellent new staff members and retain its experienced staff.

Notably, MLA has had significant difficulties filling vacancies and retaining its staff. This is due to a variety of factors including national labor shortages, the highest inflation rate in over 40 years, and rising state and federal salaries that have well outpaced MLA salaries. Nonprofit legal services provider organizations, like ours, have not been able to keep pace with other publicly funded, public interest lawyers such as those in the Office of the Public Defender or the Office of the Attorney General.

Parity with these other publicly funded, public interest lawyers is essential to assure MLA and other MLSC grantees can meet the legal needs of people living in impacted communities. With a history of compressed salaries, MLA has lost ground recently, even with its peers – publicly

funded, public interest lawyers working for the state. We routinely lose interested and talented applicants due to salary constraints as a result. Of course, we fully support the salary increases for our fellow social justice fighters; our client populations overlap significantly, and our work is complementary. But that also means there should be consistent, equitable access to representation for our clients.

Parity also means equity in hiring. Low pay means that talented advocates are excluded because they can't afford to do this important work. Employees who have access to generational wealth or live in two-income households may be able to afford to accept a lower legal services salary but many employees who are first-generation—lawyers or college graduates—cannot afford to do so particularly when public interest work for the state pays significantly higher salaries and still offers public loan forgiveness. That also can mean that our lawyers don't look like our communities, which harms our ability to connect with and represent clients.

We urge the Committee to report SB 756 favorably to ensure that Maryland takes this next critical step to fully implement the ACE Program so that it provides the long-term dividends for Marylanders that the legislature envisioned when it passed this ground-breaking law.

Respectfully submitted,
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